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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2011-06

**LANDOWNERS:** Alfred M. Long, Jr.  
2645 Dallas Highway  
Suite 100  
Marietta, GA 30064

**APPLICANT:** Vet West Properties, LLC  
Attn: Jayne S. Hawkins  
533 Roswell Street  
Marietta, GA 30060

**PROPERTY ADDRESS:** 1101 Whitlock Avenue

**PARCEL DESCRIPTION:** Land Lot 03240, District 20, Parcel 2140

**AREA:** 0.38 acs. **COUNCIL WARD:** 2

**EXISTING ZONING:** NRC (Neighborhood Retail Commercial)

**REQUEST:** NRC (Neighborhood Retail Commercial) with additional use

**FUTURE LAND USE MAP**

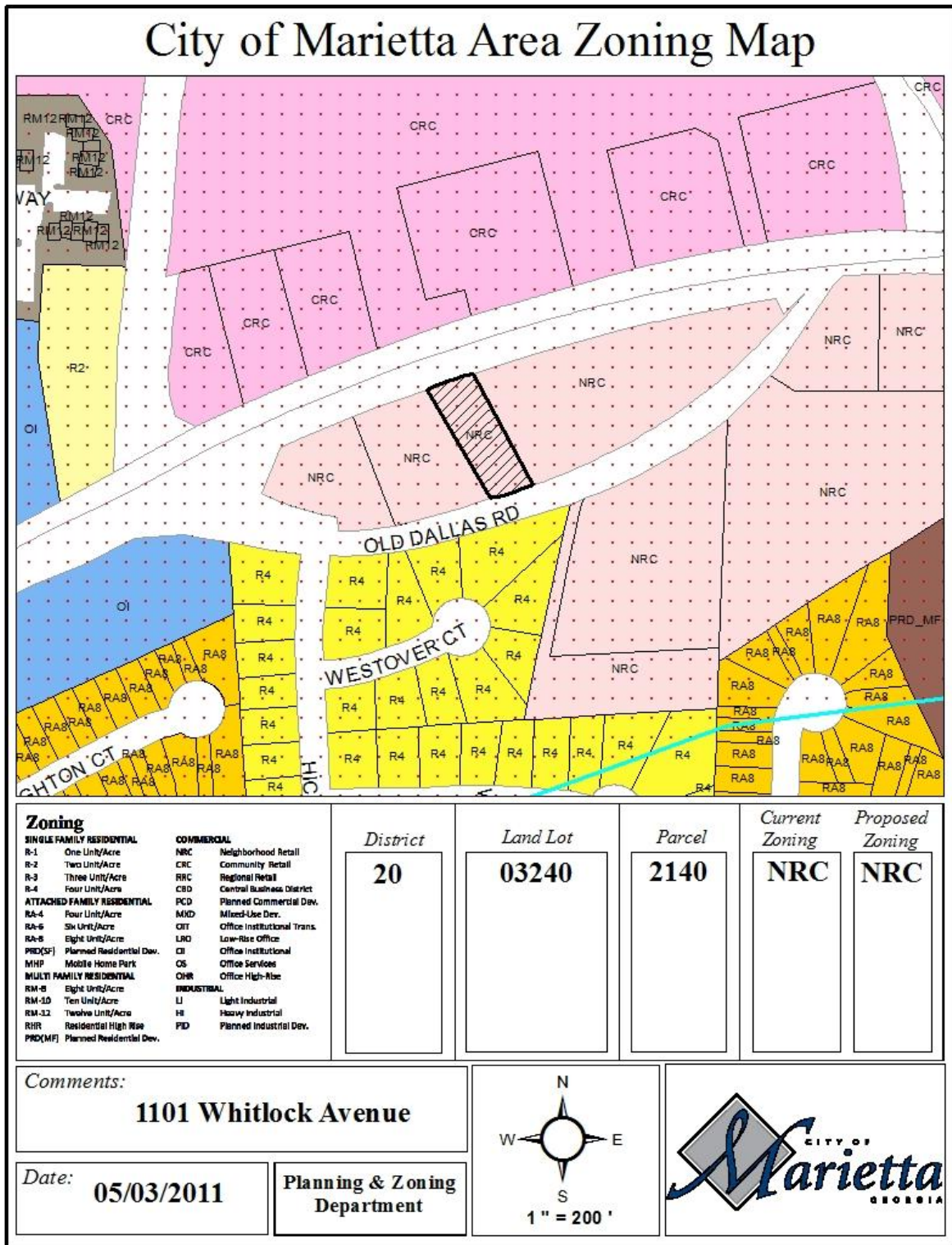
**RECOMMENDATION:** CAC (Community Activity Center)

**REASON FOR REQUEST:** The applicant is requesting the rezoning of the property located at 1101 Whitlock Avenue from NRC to NRC with an additional use in order to operate an animal clinic.

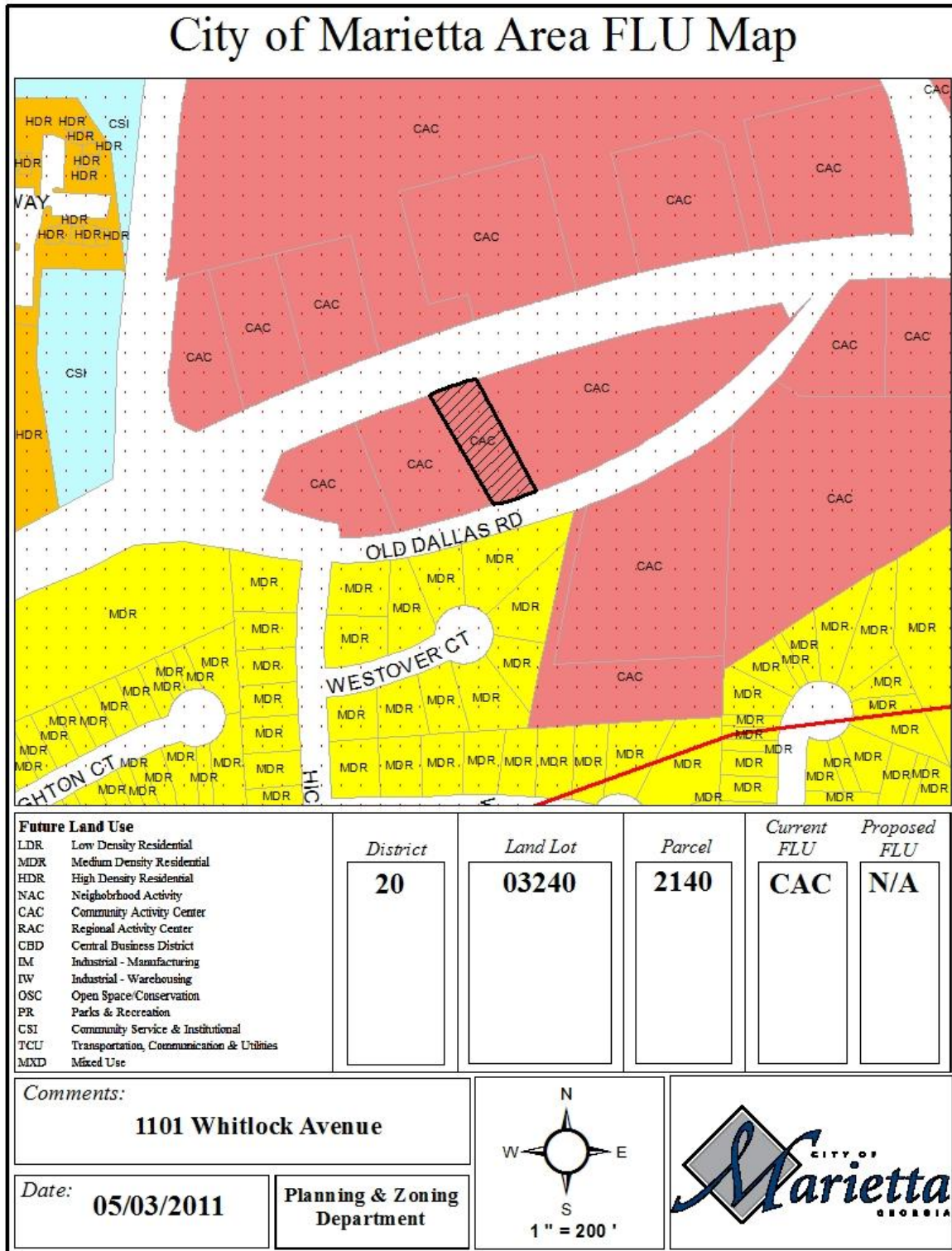
**PLANNING COMMISSION HEARING:** Wednesday, June 1, 2011 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, June 8, 2011 – 7:00 p.m.

## MAP



## FLU MAP





**PICTURES OF PROPERTY**



**Subject property from Whitlock Avenue**



**Subject property from Old Dallas Road**

## STAFF ANALYSIS

### *Location Compatibility*

Vet West Properties, LLC is requesting the rezoning of the property located at 1101 Whitlock Avenue in order to operate an animal clinic. The property is currently zoned NRC (Neighborhood Retail Commercial) and contains a former residence that has been converted to commercial. The applicant would like to rezone the property to NRC with an additional use to allow the operation of an animal clinic.

The property is bordered on the north by Whitlock Avenue and to the south by Old Dallas Road. To the east is the Whitlock Pointe shopping center, which is zoned NRC. Although the property immediately to the west is also zoned NRC, it contains a single family structure that has never been used commercially. Across Whitlock Avenue to the north is the Kroger shopping center and outparcels, all zoned CRC (Community Retail Commercial). Single family homes developed as the Hickory Walk subdivision and zoned R-4 (Single Family Residential – 4 units/acre) are located to the south across Old Dallas Road.

### *Use Potential and Impacts*

The applicant, Vet West Properties, LLC, wishes to purchase this property and relocate their existing veterinary business from a rented space nearby. As part of the renovation process, the applicant is also proposing to build an addition on the rear of the building and upgrade the landscaping. However, the property is currently zoned NRC, which does not allow for animal clinics. CRC zoning does allow animal hospitals, kennels and clinics with the following restrictions:

- a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes
- b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained

The Zoning Ordinance defines animal hospital as “*a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.*” The applicant has stated that this location is to serve as a clinic only; there will be no long-term boarding.

The property is within proximity of a residential area. However, the negative impacts associated with an animal hospital should not be any worse than those associated with a medical office, gas station or day care center, all of which are allowed as permitted uses in NRC. Should the property be rezoned as requested, staff suggests the following stipulations to minimize any negative impacts on the residential area across Old Dallas Road:

1. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
2. Dog walking activities be limited to the front (north of the building) and east side of the property.



The future land use for this property is Community Activity Center (CAC) which is described as “*areas that provide a wide range of goods and services, including businesses and professional offices, which are appropriately located throughout the city.*” Although NRC is not listed as a compatible zoning for CAC, it is likely due to NRC being a less intensive zoning classification. Animal hospitals are allowed in CRC, which is compatible with CAC. As a result, the proposed use does follow the future land use map for the City.

### *Environmental Impacts*

There are no floodplains, wetlands, or streams on the property. The proposed use does not pose a threat to any endangered species.

The applicant has stated that they intend to meet the criteria specified in the Tree Ordinance (Section 712.08).

### *Economic Functionality*

Business license history indicates that this property has not been in use since 2007. Prior to this time, the property had been consistently used as a medical office. The five year vacancy was likely caused by an overabundance of available commercial land rather than a discrepancy with the zoning classification. The property is functional as currently zoned.

### *Infrastructure*

The applicant is not proposing any changes to the existing paving, which consists of a 10'-15' driveway access off of Whitlock Avenue, a 26' driveway off of Old Dallas Road, and a large parking area to the rear of the building. Parking for animal hospitals is calculated at one space for every 400 s.f. of building area. Six spaces would be required for the expanded facility and could easily be accommodated on the site.

The driveway off of Old Dallas Road is wide enough to service two-way traffic and would allow vehicles leaving the site to access Whitlock Avenue from a signaled intersection or stop sign. The driveway off of Whitlock Avenue is only wide enough to serve one-way traffic. Staff will require that the driveway be striped and signed to accommodate vehicles entering the property from Whitlock Avenue only. However, the use of this driveway would still require the following variance:

- Variance to reduce the driveway width for a one-way drive from 14' to 10' for the driveway adjacent to the structure.



### *Other Issues*

The section of Whitlock Avenue between Lindley Avenue/Kirkpatrick Drive and Manning Road is located within the Commercial Corridor Design Overlay District – Tier B. This overlay is intended to encourage quality development by establishing consistent guidelines for building, site, and streetscape design. Because the applicant anticipates the cost of the proposed renovation to exceed more than half the existing building's replacement cost of \$66,000, the property would be required to meet all provisions of the Overlay standards.

The applicant would like to use as much of the existing building and site layout as possible. The Overlay standards only address new construction or the reuse of historic buildings similar to those located on the Marietta Square. As a result, staff has identified the variances necessary for the applicant to build according to the submitted plans:

- Variance to waive the optional elements for site design. [Section 712.09 (G.)(2.)(a.)]
- Variance to waive the optional elements for building design. [Section 712.09 (G.)(3.)(a.)]
- Variance to waive the minimum building height of two stores or eighteen feet (18'). [Section 712.09 (G.)(3.)(b.)(ii.)]
- Variance to waive the requirement that window frames be recessed at least 2 inches from the exterior building face. [Section 712.09 (G.)(3.)(b.)(vi.)]
- Variance to allow the exterior window trim be flush with the exterior wall. [Section 712.09 (G.)(3.)(b.)(vii.)]
- Variance to waive the pedestrian lighting fixtures every 60 ft on Whitlock Avenue. [Section 712.09 (G.)(4.)(a.)(ii.)(8.)]

The City was awarded a federal grant through Georgia Department of Transportation's Safe Routes to School program that will construct a sidewalk along the south side of Whitlock Avenue between Manning Road and Old Dallas Road. As a result, the following variance is necessary to waive the applicant's obligation:

- Variance to waive the construction of a six foot sidewalk along Whitlock Avenue. [Section 712.09 (G.)(4.)(a.)(i.)]

Staff suggests that any variances that are approved should be for the proposed project only and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.

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## ANALYSIS & CONCLUSION

Vet West Properties, LLC is requesting the rezoning of the property located at 1101 Whitlock Avenue in order to operate an animal clinic. The property is currently zoned NRC (Neighborhood Retail Commercial) and contains a former residence that has been converted to commercial. The applicant would like to rezone the property to NRC with an additional use to allow the operation of an animal clinic. Most of the surrounding properties are zoned either NRC or CRC; however, there are single family homes zoned R-4 located to the south across Old Dallas Road.

Although the property within proximity of a residential area, the negative impacts associated with an animal hospital should not be any worse than those associated with a medical office, gas station or day care center, all of which are allowed as permitted uses in NRC. Should the property be rezoned as requested, staff suggests the following stipulations to minimize any negative impacts on the residential area across Old Dallas Road:

1. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
2. Dog walking activities be limited to the front (north of the building) and east side of the property.

Should the property be rezoned as requested, the applicant is proposing to build an addition on the rear of the building and upgrade the landscaping. Because the property is located within Tier B of the overlay district and the applicant anticipates the cost of the renovations to exceed the nonconforming threshold, the property would be required to meet all provisions of the Overlay standards. The following variances would be required for the applicant to build according to their submitted plans:

- Variance to waive the optional elements for site design. [*Section 712.09 (G.)(2.)(a.)*]
- Variance to waive the optional elements for building design. [*Section 712.09 (G.)(3.)(a.)*]
- Variance to waive the minimum building height of two stores or eighteen feet (18'). [*Section 712.09 (G.)(3.)(b.)(ii.)*]
- Variance to waive the requirement that window frames be recessed at least 2 inches from the exterior building face. [*Section 712.09 (G.)(3.)(b.)(vi.)*]
- Variance to allow the exterior window trim be flush with the exterior wall. [*Section 712.09 (G.)(3.)(b.)(vii.)*]
- Variance to waive the pedestrian lighting fixtures every 60 ft on Whitlock Avenue. [*Section 712.09 (G.)(4.)(a.)(ii.)(8.)*]
- Variance to waive the construction of a six foot sidewalk along Whitlock Avenue. [*Section 712.09 (G.)(4.)(a.)(i.)*]





**Department of Development Services**  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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Staff suggests that any variances that are approved should be for the proposed project only and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

|  |                    |
|--|--------------------|
| Is a water line adjacent to the property?  | Yes                |
| If not, how far is the closest water line? | n/a                |
| Size of the water line?                    | 6-inch             |
| Capacity of the water line?                | Flow test required |
| Approximate water usage by proposed use?   | Not provided       |

### ***CITY OF MARIETTA - SEWER***

|  |  |
|--|--|
| Is a sewer line adjacent to the property?          | Yes  |
| If not, how far is the closest sewer line?         | n/a  |
| Size of the sewer line?                            | 8-inch   |
| Capacity of the sewer line?                        | Capacity available                               |
| Estimated waste generated by proposed development? | A.D.F.                      Peak<br>Not provided |
| Treatment Plant Name?                              | Cobb County                                      |
| Treatment Plant Capacity?                          | Cobb County                                      |
| Future Plant Availability?                         | Cobb County                                      |

## DATA APPENDIX CONTINUED

### *DRAINAGE AND ENVIRONMENTAL CONCERNS*

|  |            |
|--|------------|
| Does flood plain exist on the property?  | NO         |
| What percentage of the property is in a floodplain?  | ---        |
| What is the drainage basin for the property?   | Ward Creek |
| Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency? | NO         |
| If so, is the use compatible with the possible presence of wetlands?                                       | ---        |
| Do stream bank buffers exist on the parcel?  | NO         |
| Are there other topographical concerns on the parcel?  | NO         |
| Are there storm water issues related to the application?   | NO         |
| Potential presence of endangered species in the area?  | NO         |

### *Transportation*

|  |   |
|--|---|
| What is the road affected by the proposed change?                | Whitlock Ave<br>Old Dallas Rd   |
| What is the classification of the road?                          | Whitlock Ave: Arterial<br>Old Dallas Rd: Local                          |
| What is the traffic count for the road?                          | Whitlock Ave: 24,040 AADT (two way)<br>Old Dallas Rd: No Data Available |
| Estimated number of cars generated by the proposed development?  | ---   |
| Estimated number of trips generated by the proposed development? | 36.13 x 2.309 = 83 trips/day<br>(3.72 x 2.309 = 8.6 trips Peak PM Hr)   |
| Do sidewalks exist in the area?                                  | NO  |
| Transportation improvements in the area?                         | NO  |
| If yes, what are they?   | ---   |



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- If additions or outside alterations to parking are anticipated, site plans may be required for construction. Site plans include, building addition, parking, driveways, streets, stormwater management (for 5000 sq ft of new/replacement impervious), stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
  - The ingress from Whitlock Avenue must be signed / marked in field as one way in, with appropriate one-way signage at the rear of the building to acknowledge that egress from property must be to Old Dallas Road. In accordance with City agreements with GA DOT, there can be no access onto Whitlock Avenue from the property.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

|  |                      |
|--|----------------------|
| Nearest city or county fire station from the development?                        | Marietta, Station 53 |
| Distance of the nearest station?   | 1/2 mile             |
| Most likely station for 1 <sup>st</sup> response?                                | Marietta, Station 53 |
| Service burdens at the nearest city fire station (under, at, or above capacity)? | None                 |

### MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site?      Yes   X        No           

If not, can this site be served?      Yes                 No           

What special conditions would be involved in serving this site?

Additional comments: